

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS

DESTROY WHITE	)	JURY TRIAL DEMANDED
Plaintiff,	)	
	)	
v.	)	Case No.
	)	
PORTFOLIO RECOVERY ASSOCIATES,	)	
LLC	)	
Defendant.	)	
	)	

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COMPLAINT AND DEMAND FOR JURY TRIAL

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I. INTRODUCTION

1. This is an action for actual and statutory damages brought by Plaintiff Destroy White an individual consumer, against Defendant, Portfolio Recovery Associates, LLC, (“PRA”) for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (hereinafter “FDCPA”), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

II. JURISDICTION AND VENUE

2. Jurisdiction of this court arises under 15 U.S.C. § 1692k(d) 28 U.S.C. § 1331. Pursuing to 28 U.S.C. § 1331(d).



3. Venue in this District is proper in that the Defendants transact business in the State and Southern District of Texas.

### **III. PARTIES**

4. Plaintiff Destry White (hereinafter “Plaintiff”) is a natural person residing in Frisco, Collin County, Texas.
5. Plaintiff is a consumer as defined by the Fair Debt Collection Practices Act, 15 U.S.C. §1692a(3).
6. Upon information and belief, Defendant Portfolio Recovery Associates, is a Virginia corporation with its principal place of business located at 120 Corporate Blvd, Norfolk, VA 23502.
7. Defendant Portfolio Recovery Associates is engaged in the collection of debt from consumers using the mail and telephone.
8. Defendant Portfolio Recovery Associates regularly attempts to collect consumers’ debts alleged to be due to another.

### **IV. FACTS OF THE COMPLAINT**

9. Defendant Portfolio Recovery Associates, LLC, (hereinafter referred to as “Debt Collector”) is a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a (6).
10. On or about October 14, 2021, Plaintiff reviewed his credit report on “credit karma.”



11. On the report, Plaintiff observed a trade line from Debt Collector allegedly owed to HSBC Bank Nevada in the amount of \$970.
12. The obligation allegedly due to HSBC Bank Nevada is a “debt” as defined by 15 U.S.C. § 1692a(5).
13. On or about October 14, 2021, Plaintiff noticed an incorrect opened date of May 23, 2018, on his credit report.
14. Plaintiff called Debt Collector disputed the accuracy of the May 23, 2018, date opened that Debt Collector reported.
15. Debt Collector stated that the May 23, 2018, date is when it purchased the alleged debt.
16. However, Debt Collector acknowledged that the last payment made to HSBC Bank Nevada by Plaintiff was July 19, 2016.
17. Debt Collector’s re-aging and manipulation of the opened dates artificially lowered Plaintiff FICO scores and deceptively extends the statute of limitations.
18. Debt Collector’s inaccurate reporting also impacts Plaintiff’s credit worthiness by making the collection account appear to be more recently delinquent than it actually is.
19. Debt Collector’s publishing of such inaccurate and incomplete information has damaged the personal, FICO Scores, credit reputation of Plaintiff and caused humiliation, and emotional distress and mental anguish.



**V. FIRST CLAIM FOR RELIEF**  
**15 U.S.C. § 1692e(8)**

20. Mr. White re-alleges and reincorporates all previous paragraphs as if fully set out herein.

21. Debt Collector violated the FDCPA.

22. Debt Collector's violations include, but are not limited to, the following:

Debt Collector violated 15 U.S.C. § 1692e(8) of the FDCPA by communicating credit information which was known to be false to the consumer reporting agencies.

23. As a result of the above violations of the FDCPA, the Defendants are liable to Mr. White for his actual damages, statutory damages, and cost.

**VI. SECOND CLAIM FOR RELIEF**  
**15 U.S.C. § 1692e(2)**

24. Mr. White re-alleges and reincorporates all previous paragraphs as if fully set out herein.

25. Debt Collector violated the FDCPA.

26. Debt Collector's violations include, but are not limited to, the following:

Debt Collector violated 15 U.S.C. § 1692e(2) of the FDCPA by the false representation of the opening date for the alleged debt.

27. As a result of the above violations of the FDCPA, the Defendant are liable to Mr. White for his actual damages, statutory damages and cost.

**VI. JURY DEMAND AND PRAYER FOR RELIEF**



WHEREFORE, Plaintiff Destry White respectfully demands a jury trial and requests that judgment be entered in favor of Plaintiff and against Debt Collector for:

- A. Judgment for against Debt Collector for its violations of the FDCPA;
- B. Actual damages pursuant to 15 U.S.C. § 1692k(1)(2);
- C. Statutory damages pursuant to 15 U.S.C. § 1692k(2);
- D. Cost and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k(3);
- E. For such other and further relief as the Court may deem just and proper.

Respectfully submitted:

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Attorney for Plaintiff

By:   
JEFFREY A. WILSON



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JURY DEMAND

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Plaintiff, by and through her undersigned attorney, hereby demands trial by jury on all issues triable herein pursuant to FRCP, Rule 38 (b).

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